

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RAMON GARCIA,

Defendant.

4:13-CR-3130

ORDER

The Court previously denied the defendant's "Motion to Remove Restriction from Sentencing Transcripts in Order for Defendant to Perfect His Title 28 U.S.C. §2255" (filing [456](#)). Filing [478](#). The defendant has moved the Court to reconsider that ruling. Filing [484](#).

The Court agrees with the government, *see* filing [477](#), that the defendant's sentencing transcript was restricted for good cause, and should remain restricted. But the defendant must be afforded an adequate opportunity to access procedures for review of his conviction. *See United States v. MacCollom*, 426 U.S. 317, 325-28 (1976). And one relevant consideration, when evaluating the scope of a restriction, is whether redaction could reduce or eliminate the need for restriction. *See* NECrimR [49.1.1\(b\)\(1\)](#).

Accordingly, the Court will grant the defendant's motion to reconsider, and will ask the government to either file a redacted copy of the defendant's sentencing transcript, or show cause why the transcript cannot be redacted to eliminate the need for restriction.

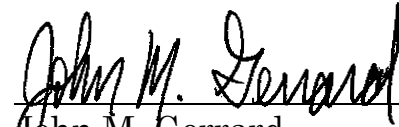
IT IS ORDERED:

1. The defendant's motion to reconsider (filing [484](#)) is granted.
2. On or before February 18, 2016, the government shall either (1) file a redacted copy of the defendant's sentencing transcript or (2) show cause why the transcript cannot be redacted so as to eliminate the need for restriction.
3. The Clerk of the Court shall set a case management deadline of February 19, 2016, with the following docket

text: "Check for redacted transcript or cause shown for restriction."

Dated this 19th day of January, 2016.

BY THE COURT:



John M. Gerrard
United States District Judge